

YAMHILL COUNTY, OREGON  
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 CHARLES STERN  
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IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

89-521

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance )  
 Amending the Zone Map of the )  
Yamhill County Zoning Ordinance )  
No. 310, 1982, as Amended, to )  
 Change the Zone Map Designation ) ORDINANCE NO. 488  
 From VLDR-2 1/2 to VLDR-1 on )  
 Approximately 3.72 Acres )  
 Identified as Tax Lot 4428-1600, )  
 Southeast of the City of )  
 McMinnville as Requested by Albert )  
 & Joyce Chavez Planning Docket )  
 Z-6-89, and Declaring an Emergency )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of County business on July 19, 1989, in special session, Commissioners Dennis Goecks and David E. Bishop being present.

WHEREAS, Albert & Joyce Chavez have applied to the Department of Planning and Development in order to change the zone map designation on Tax Lot 4428-1600, from VLDR-2 1/2 to VLDR-1; and

WHEREAS, following a public hearing on June 1, 1989, the Yamhill County Planning Commission voted to change the zone map designation on Tax Lot 4428-1600 from VLDR-2 1/2 to VLDR-1; and

WHEREAS, the Yamhill County Zoning Ordinance No. 310, 1982, as amended, provides that the decision of the Yamhill County Planning Commission on an application for a zone map amendment becomes final unless appealed to the Board of Commissioners or reviewed by the Board on their own motion; and

WHEREAS, no appeal has been made to the Board of the decision of the Planning Commission to grant the application of Albert & Joyce Chavez; however, the Board voted to review the decision of the Planning Commission on the Board's own motion; and

WHEREAS, the Board held a public hearing July 12, 1989 and voted to change the zone map designation on Tax Lot 4428-1600 from VLDR-2 1/2 to VLDR-1; and

WHEREAS, the Board finds that the findings set forth in the attached Exhibit "A" constitute an adequate basis for approval of the application; Now, Therefore,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS as follows:

Section I. Based upon the findings of fact and conclusionary findings attached hereto as Exhibit "A" and by this reference incorporated herein, the official zone map of the Yamhill County Zoning Ordinance No. 310, 1982, as amended, is hereby amended to change the zone map designation on Tax Lot 4428-1600 from VLDR-2 1/2 to VLDR-1 as more particularly described on the attached map identified as Exhibit "B" and incorporated herein by this reference.

Section 2. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County and an emergency having been declared to exist, shall become effective upon passage hereof.

DONE at McMinnville, Oregon this 19th day of July 1989.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLE  
County

By Elaine Pearcey  
Deputy CLARENCE PEARCEY



DAVID E. BISHOP

Commissioner DAVID E. BISHOP

Date: 7-28-89

Dennis Goecks

Commissioner DENNIS GOECKS

Date: 7/28/89

APPROVED AS TO FORM BY:

John M. Gray, Jr.  
JOHN M. GRAY, Jr.  
County Counsel

Date: \_\_\_\_\_

## EXHIBIT "A"

FINDINGS OF FACT

1. The applicant has requested a zone change from VLDR-2 1/2 to VLDR-1 on approximately 3.72 acres that are plan designated Low Density Residential. The 3.72 acre parcel consists of two parcels of approximately 2.16 acres and 1.56 acres respectively. The parcel was divided by Docket No. P-489-75 in 1975.
2. There are presently two dwellings on the parcel. The 2.16 acre parcel contains a mobile home located on the property in 1975. The 1.56 acre parcel contains a house constructed in 1948.
3. The subject property is located southeast of the city of McMinnville adjacent to the south side of Highway 18 and abutting the west side of Lawson Lane.

The property is part of a subdivided, VLDR-2 1/2 and VLDR-1, zoned area in which parcel sizes range from 1/4 acre to 3.72 acres. The VLDR-2 1/2 zoned area totals approximately 12.8 acres containing 10 parcels under seven ownerships. The VLDR-1 zoned area totals approximately 7.4 acres containing four parcels under three ownerships. Six of the parcels are less than one acre in size and only two of the parcels are larger than 2 1/2 acres.

4. The Planning Commission approved a zone change from VLDR-2 1/2 to VLDR-1 in this area on May 19, 1983 (Docket No. Z-234-83).
5. The soils on the subject property are Agricultural Class II, Willamette silt loam. Approximately 10% of the southern portion of the property is within the 100 Year Flood Plain of the South Yamhill River.
6. Land uses on surrounding properties include rural residential dwellings and small scale agricultural operations. Nearby uses within the McMinnville city limits include residential subdivisions, a mobile home park, and commercial uses.

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7. Surrounding lands are zoned VLDR-1, VLDR-2 1/2 and EF-40.
8. There are approximately 410 acres of VLDR-1 land outside of U.G.B.'s within the county. Approximately 375 acres are in the Newberg/Dundee area. Approximately 7 acres are outside of the McMinnville U.G.B. This 7 acres is the area just north of the subject property and approved by the Planning Commission in 1983.
9. Well log records for the area indicate well depths of between 71' and 120' and yields of between 12 to 60 gallons per minute. Most wells are between 90' to 100' deep and most wells yield 20 gallons pe minute. The State Water Master has indicated that such yields are more than adequate for domestic consumption.
10. The potential impact of the proposed zone change on the dwelling density in the area would be an increase by one dwelling.
11. A similar zone change was recently approved in the vicinity of the city of Lafayette on Locks Road and denied in the vicinity of the city of Newberg on Putnam Road.
12. A set of proposed new requirements in regards to rural residential minimum parcel sizes are specified as follows:

Minimum acreage for proposed new parcels in Residential Districts shall be determined as follows:

- a. Within an urban growth boundary, and area of urban influence or an urban reserve area, minimum acreage shall be two acres, except that parcels may be one acre where a State Health Division approved public water supply is available,

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provided that no new parcel of less than five acres shall be approved until after referral has been made to the applicable city, and any concerns expressed by the city have been addressed.

- b. In other areas minimum acreage shall be two acres.

Although this language has not been adopted by the Board of Commissioners at this time, the County has been informed by the DLCDC that our current VLDR-1 zone could be in violation of statewide goals. While existing VLDR-1 zones could continue to be developed, rezoning to VLDR-1 may be contrary to Goals 3 (agriculture) and 14 (urbanization) unless a new exception is taken, according to DLCDC.

13. Section 502.01 of the Zoning Ordinance provides that "the purpose of the VLDR Districts is to provide for medium-to-high density rural residential development on selected lands identified as Very Low Density Residential in the Comprehensive Plan." Because the VLDR plan designation applies to the VLDR-5, VLDR-2 1/2 and VLDR-1 zoned districts, the Department of Land Conservation & Development has not contested that Yamhill County may rezone such lands to higher densities without notifying the DLCDC and without taking a new exception.
14. The following public agency comments have been received:
  - a. County Sanitarian has indicated that the overall septic feasibility for the area is good.
  - b. City of McMinnville Planning - We have reviewed the file and find no conflict with our interests.
  - c. City of McMinnville Rural Fire District - We have reviewed the file and find no conflict with our interests.

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DECISION MAKING CRITERIA:

The Planning Commission's decision must be based upon consideration of the zone change criteria set forth in Section 1208 of the Zoning Ordinance.

CONCLUSIONARY FINDINGS:

Approval

The following conclusionary findings can be made for approval of the application:

1. The zone change request to amend the zoning on the subject property from VLDR-2 1/2 to VLDR-1 is consistent with the Comprehensive Plan in that the property is plan designated LDR, which provides for residential development of between 3 to 6 dwellings per acre. Further, evaluation of the subject property and surrounding area based upon exceptions criteria indicates that the area is consistent with rural area development goals and policies in that the area is plan designated LDR and the County recognizes such lands as the appropriate and desired location for rural residential development. Further, the area is already considered developed and is serviced by individual wells and on-site septic systems and the area has fair to better water availability and good soils for septic systems and, therefore, approval of the zone change request and a potential increase of one dwelling in the area would not require the costly extension of urban facilities or services.
2. Although the applicant has not indicated that there is an existing demonstrable need for one acre rural residential dwelling sites, Planning Commission actions on previous zone change requests for higher densities in VLDR areas have been for approval. Further, there is a very limited amount of undeveloped VLDR-1 acreage in the McMinnville area (only 7 acres).

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3. Approval of the request is appropriate in that it will allow for increased development of an area which was deemed to be committed to rural residential development through the parcelization and dwelling density, thereby providing for efficient utilization of rural land adjacent to the city of McMinnville.

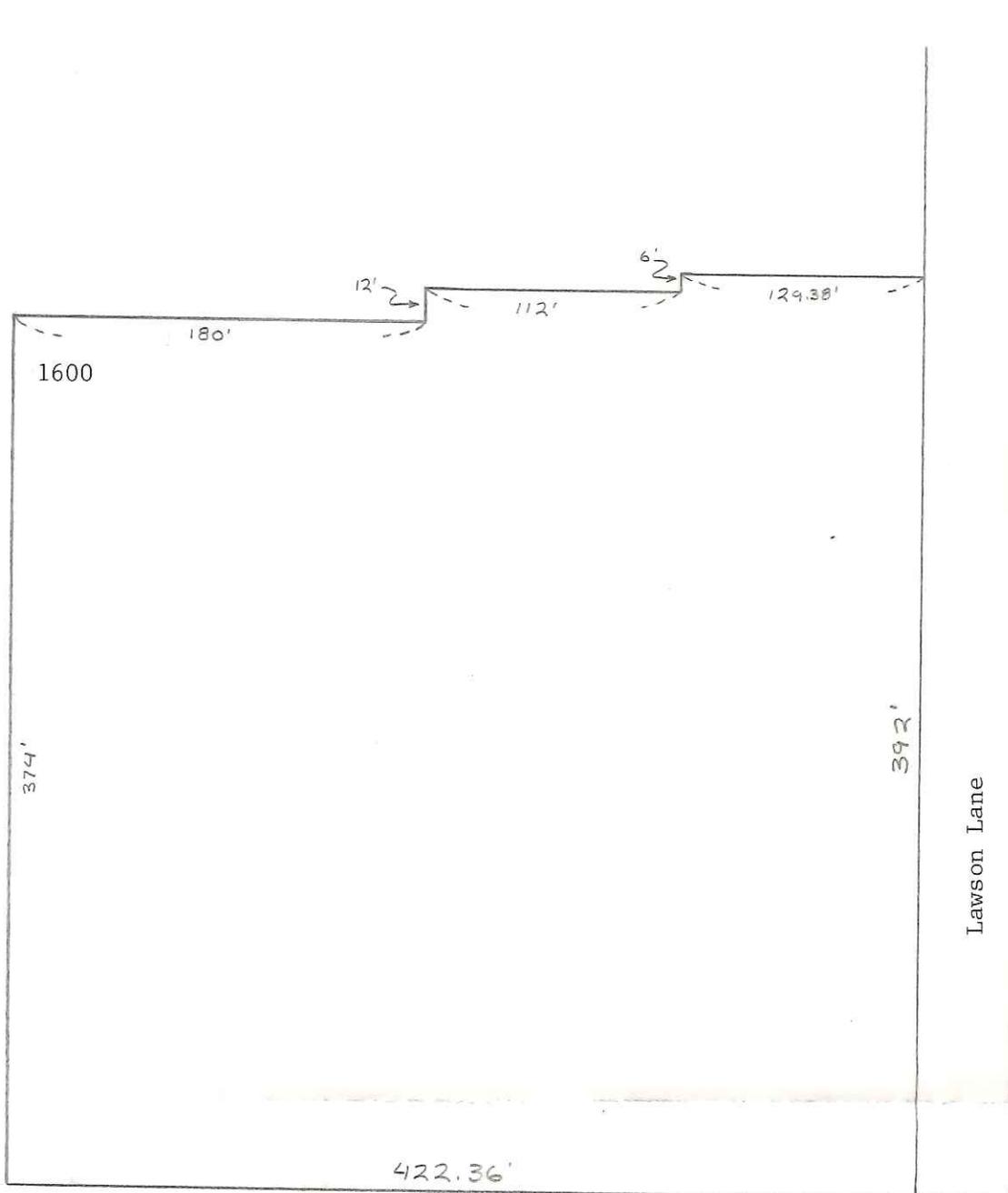
The proposed zone change can also be considered appropriate for the area considering that:

- a. The zone change will allow one additional dwelling over the density now allowed.
  - b. existing dwellings on the property and in the area are served by on-site septic systems and individual wells. It is anticipated that the one additional dwelling which is approved, will also be served by an on-site septic system and well.
  - c. Existing public facilities and services at the property include electric power, telephone, fire protection and public road access.
  - d. Of the 14 parcels in the surrounding VLDR-2 1/2 zoned area, only two are over 2 1/2 acres in size. There are 5 parcels of less than one acre in size.
4. Although other VLDR-1 zoned lands exist in the County, the subject property is also suitable for VLDR-1 zoning considering the development pattern and density on surrounding properties, area suitability for septic tank installation and domestic wells, efficient land use of an already developed area, and the relatively minor impact on the adjacent lands (potential development of not more than one dwelling).

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ZONE MAP AMENDMENT  
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS  
July 19, 1989

TO CHANGE THE OFFICIAL ZONING MAP  
FROM VLDR-2½ TO VLDR-1



Note: Not to Exact Scale

Change applies to the total portion of Tax Lot No. 4428-1600

Map prepared by the Yamhill County Planning Department.